

UNITED STATES DISTRICT COURT
Northern District of California

SOPHIA Q. CHAN,

Plaintiff,

No. C 10-04348 MEJ

v.

ORDER RE CASE STATUS

JOAQUIN SALAS,

Defendant.

On November 17, 2010, Plaintiff filed a request to postpone her case until she was able to recover from a surgery scheduled to take place on November 23, 2010. Dkt. No. 13. The Court granted Plaintiff's request, but noted that Plaintiff did not provide a date by which her recovery will be complete, and that Defendant had a motion to dismiss that would remain pending. Dkt. No. 14. To allow enough time for recovery, the Court ordered Plaintiff to file an opposition to Defendant's motion by March 17, 2011. If Plaintiff failed to file an opposition within that time, the Court informed Plaintiff that her case would be deemed dismissed with prejudice without further order from the Court.

The Court is now in receipt of a document from Plaintiff in which she states that she is still recovering from surgery and requests a further continuance of her case. Dkt. No. 15. However, Plaintiff has once again provided no information regarding the type of surgery she underwent or the anticipated length of her recovery. As Defendant's motion to dismiss remains pending, the Court finds it would be unfair to allow a further continuance without more specific information from Plaintiff. Accordingly, the Court ORDERS Plaintiff to provide a letter from the doctor that performed her surgery. The letter shall include information regarding (1) the type of surgery

1 Plaintiff underwent, (2) the normal recovery period expected after such a surgery, (3) the anticipated
2 length of Plaintiff's further recovery, and (4) when the doctor expects that Plaintiff will be able to
3 resume prosecuting her case. Plaintiff shall file the letter from her doctor by April 1, 2011. If
4 Plaintiff does not file the letter by April 1, she shall instead file an opposition to Defendant's motion
5 by April 4, 2011. Failure to comply with this order may result in dismissal of her case.

6 **IT IS SO ORDERED.**

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8 Dated: March 17, 2011

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11 Maria-Elena Jones
12 Chief United States Magistrate Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SOPHIA Q. CHAN

Case Number: 10-04348 MEJ

Plaintiff,

CERTIFICATE OF SERVICE

v.

JOAQUIN SALAS

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 17, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Sophia Q. Chan
1468 Silver Avenue
San Francisco, CA 94134

Dated: March 17, 2011

Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk

UNITED STATES DISTRICT COURT
For the Northern District of California